

ENTERED

September 08, 2016

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION****JORGE RODRIGUEZ, et al.,**

§

Plaintiffs,

§

VS.

§

BANK OF AMERICA N.A., et al.,

§

Defendants.

§

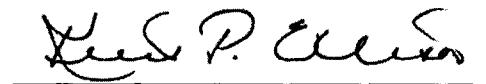
CIVIL ACTION NO. 4:16-CV-194**ORDER ADOPTING REPORT AND RECOMMENDATION**

Pending before the Court are Defendant AMH Roman Two TX, LLC’s (“AMH”) Motion to Dismiss and Defendant Bank of America N.A.’s (“Bank of America”) Motion to Dismiss (Doc. Nos. 4, 10), which had been referred to Magistrate Judge Dena Hanovice Palermo for a report and recommendation. On August 8, 2016, Judge Palermo issued the Report and Recommendation, recommending that the Motions to Dismiss be granted. The time for filing objections has passed, and no objections were filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error. Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, AMH’s Motion to Dismiss and Bank of America’s Motion to Dismiss (Doc. Nos. 4, 10) are hereby **GRANTED**. Plaintiffs’ claims based on RESPA and breach of contract are **DISMISSED WITH PREJUDICE**. Plaintiffs’ claims for attorneys’ fees, declaratory judgment, and injunctive relief are **DISMISSED WITHOUT PREJUDICE**. Plaintiffs may amend the Complaint to the extent they can assert any claims other than RESPA or breach of contract.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 8th day of September, 2016.



Keith P. Ellison
KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE